

60130-1019
02MRA0126, 0127 and 0129**REMARKS**

Applicant has amended the specification and several of the claims for consistency purposes only. No new matter has been added. Claim 35 has been cancelled. Applicant requests entry of these amendments as none present new matter or additional limitations, and thus raise no issues not already before the Examiner.

Claims 1-3, 16, 23, 24, 26, 33-35, 53 and 54. were rejected as being anticipated by Mueller et al. (U.S. 3, 008, 729). Claims 1, 23 and 53 include the limitation that the frame member is part of an engine cradle and includes at least one piston movable within the bore. The office action asserts that Mueller et al teaches a frame element (7) having a bore (9) and a piston (11) movable within the bore (7). Further, the office action asserts that the frame element (7) is part of an engine cradle. Applicant disagrees.

It is understood that the claims are to be interpreted broadly. However, the broad interpretation must be consistent with the interpretation that those skilled in the art would reach. In Muller et al, the frame element (7) is part of the vehicle frame, but it is not illustrated in a position that one skilled in the art would recognize as being any part of an engine cradle. Further, there is no disclosure within the specification that would indicate that the frame element (7) is part of any structure that would be classified by a person skilled in the art as an engine cradle. According to the office action interpretation, the entire vehicle frame is part of the engine cradle. This is not the case or a reasonable interpretation in view of what would be understood by one skilled in the art. The frame element (7) of Mueller et al. would not be interpreted as a portion of an engine cradle and therefore does not anticipate the limitations recited in claims 1, 23 and 52. Applicant requests reconsideration and withdrawal of this rejection.

Further, Muller does not disclose the elements recited in claim 16. Claim 16 includes the limitation of a divider that divides the bore into two sides and a piston movable within each of the two sides. Muller discloses a single chamber (9) with two pistons (11). Muller does not include a divider that divides the bore into two sides with a piston in each side. Accordingly, claim 16 is not anticipated by the Muller and the rejection should be withdrawn.

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Claim 33 includes the limitation of a divider for dividing the bore into two lateral sides. Muller does not disclose or suggest a divider for dividing a bore into two lateral sides. The cylinder (13) does not divide the bore into two lateral sides as can be seen in Figure 1 of Muller. The bore (9) within which the pistons (11,11') extends across the entire air reservoir (7) and is not divided into lateral sides. Accordingly, claim 33 is not anticipated by Muller.

Further, Claim 54 recites a divider dividing the bore into two sides and one of the pair of pistons is in each of the two sides. Muller does not disclose a divider dividing the bore into two sides. Further, the cylinder (13) was identified as a divider, but even then Muller would not disclose the limitation of one of the pair of pistons in each of the two sides. Muller includes three pistons (11, 11' and 12) not what is recited in claim 54. Accordingly, claim 54 is not anticipated by Muller.

Claims 42-47 were rejected as being obvious in view of the combination of Balz (US 2,126,085) and Chausson (U.S. 2,530,226). Claim 42 includes the limitations of an engine cradle including a laterally extending elongated member having a bore and a portion of the suspension for the wheels within the bore. The office action points out that Chausson is being used only to show a frame having an engine chassis. Even so, there still must be a suggestion or motivation to make the proposed combination present in the combined references to support a *prima facie* case of obviousness. In this case Chausson is directed toward a body without customary axles. This is accomplished by including at least one point for mounting the suspension assembly through a portion of the sheet metal body. This teaches away from the inclusion of a suspension assembly within a frame member as is taught by Balz.

Further, even with the understanding that Examiner is only attempting to illustrate specific features with Chausson, the combination still cannot destroy the primary operation of the base reference, Balz. This combination would do just that; destroy a primary purpose of Balz. The stated primary purpose and operation of Balz is to provide a unitary structure including front wheels and suspension that can be detached from the frame of a vehicle as a whole. (Generally, Col 1, lines 43-51). In contrast, Chausson seeks to further integrate the suspension structure with

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the vehicle body. As appreciated, the front suspension components of Chausson would not provide for removal of the front wheel assembly as a whole.

Applicant requests reconsideration of this rejection as there is no suggestion or motivation within the cited references, in fact, the cited references teach away from each other. Further, such a combination would destroy the primary operation of the base reference. For these reasons Applicant requests reconsideration and withdrawal of the rejection to claims 42-47.

Additionally, the combination does not disclose the limitation of a divider within the single frame element that divides the bore into two chambers as recited in claim 44. The office action identifies housing (13) as a divider. However, this does not meet the limitation of claim 44. In Balz et al, a shock absorber is disposed within each end of the frame element. Therefore under the office action interpretation there would be four bores, not the two chambers as is required by claim 44. Accordingly, claim 44 includes features not disclosed or suggested in the proposed combination.

Further, the combination does not disclose the limitation of a radiator support connected as a modular component as is recited in claim 47. Examiner proposes that a front part of the engine (not identified by a reference numeral) discloses a radiator support. However, the specification does not even include the word radiator, nor does the figure illustrate a radiator. There is simply no support in the proposed combination for a radiator support as proposed by the Examiner. Further, claim 47 recites that the radiator support is connected as a modular component. Balz does not show or suggest a radiator support, and Chausson discloses a configuration to reduce or eliminate frame components by incorporating attachment points for suspension components into the vehicle body. There is no radiator support disclosed or suggested by Chausson or the proposed combination of Chausson and Balz et al. Accordingly, Applicant requests withdrawal of the rejection to claim 47.

Claims 27, 28, and 56-58 were rejected as being obvious over the combination of Muller et al in view of Chausson. This is not a proper combination because there is no suggestion or motivation. Chausson teaches away from the integration of suspension components within a

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hollow frame component. As discussed above, Chausson teaches the integration of suspension components with sheet metal body components. The main purpose of Chausson is to eliminate the need for separate frame components by incorporating suspension attachment features to the sheet metal vehicle body. Chausson provides a sheet metal body and attachment points to the sheet metal body for the various suspension components. In contrast, Muller et al. discloses integration of suspension components within frame members. There is simply no suggestion present within Chausson and Muller et al that supports such a combination. Applicant requests reconsideration and withdrawal of the rejection to claims 27,28 and 56-58.

Additionally, the combination of Muller et al and Chausson does not even disclose all the claimed limitations. Claim 27 recites a fire wall and wheel house connected with the engine cradle. Chausson, does not disclose a module frame structure with a frame element. Instead Chausson discloses an integrated body assembly that integrates suspension features into the body. There is no modular portion of Chausson, or a fire wall and wheel house that is part of a modular structure. Further, Claims 28 and 57 recite a radiator support. The combination does not disclose a radiator support. Examiner calls a front portion of Chausson a radiator support, however, there is no suggestion anywhere within Muller or Chausson to support such an interpretation. Further claim 58 recites that the engine cradle includes an engine, firewall, wheel house and radiator. The proposed combination of Chausson and Muller et al does not disclose or suggest that the engine cradle comprises a radiator. Accordingly, the rejection to claims 27, 28, 57 and 58 is further improper because the limitations recited in these claims are not disclosed or suggested in the proposed combination of Mueller et al and Chausson.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

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Respectfully Submitted,

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